



DLA Piper LLP (US)
The Marbury Building
6225 Smith Avenue
Baltimore, Maryland 21209-3600
www.dlapiper.com

Richard M. Kremen
richard.kremen@dlapiper.com
T 410.580.4191
F 410.580.3191

September 18, 2013
VIA ECF AND MESSENGER

The Honorable Robert P. Patterson
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Levin v. Bank of New York, et al., Case No 09 Civ. 5900 (RPP) (MHD)

Dear Judge Patterson:

We are counsel to third-party defendants the Estate of Michael Heiser, *et al.* (the "Heisers") in connection with the above-referenced action. We write concerning the Joint Motion for Partial Summary Judgment (the "Motion") filed by the Heisers, the Greenbaum and Acosta Judgment Creditors, and the Levin Plaintiffs (collectively, the "Judgment Creditors") on September 12, 2013 (Dkt. Entry No. 917).

The Motion requests turnover of certain blocked assets (the "Assets") that have been designated for inclusion in Phase Three of these proceedings. The Judgment Creditors believe that the Motion will be unopposed by either the banks or any other parties to these proceedings. In fact, the Judgment Creditors have been advised by counsel for the other creditors who have appeared in these proceedings that they will shortly file a stipulation to withdraw their claims and be dismissed from the case. None of the Assets at issue in this Motion are of the type that implicate issues raised in *Calderon-Cardona et al. v. JPMorgan Chase Bank, N.A., et al.*, No. 12-75, and *Hausler v. JPMorgan Chase Bank, N.A.*, No. 12-1272, currently on appeal to the Second Circuit.

As the Court is well aware, the Judgment Creditors are individual victims and family members, many of whom are quite elderly and are in desperate need of these Assets. We are endeavoring to try to make these Assets available to the victims before the end of the year.

For the foregoing reasons, we respectfully request that the Court enter a scheduling order regarding the Motion at its earliest convenience. If the Court believes it might be of help, we are available to attend a hearing or telephone conference to answer any questions the Court might have.

Respectfully yours,

DLA Piper LLP (US)

/s/ Richard M. Kremen

Richard M. Kremen
Partner

cc: All counsel of record by electronic mail